

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BENJAMIN HAYNES COLLINS,

Petitioner,

File No. 1:08-cv-369

v.

HON. ROBERT HOLMES BELL

MARY BERGHUIS,

Respondent.

/

**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On August 22, 2011, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation ("R&R") recommending that Petitioner's habeas corpus petition be denied. (Dkt. No. 19.) No objections have been filed, and the deadline for doing so has expired.<sup>1</sup> The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the August 22, 2011, R&R (Dkt. No. 19) is **APPROVED and ADOPTED** as the opinion of the Court.

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<sup>1</sup>The Court's electronic docket indicates that the Magistrate Judge's R&R was sent to Petitioner at his place of incarceration via U.S. Mail, but that the document was returned to the Court marked "parole/probation." (Dkt. No. 20.) The Sixth Circuit has held that parole of a prisoner does not invalidate a petition for habeas corpus filed during the prisoner's incarceration. *Abela v. Martin*, 380 F.3d 915, 921 (6th Cir. 2004). However, it is Petitioner's responsibility to keep the Court apprised of his mailing address.

**IT IS FURTHER ORDERED** that Petitioner's petition for writ of habeas corpus (Dkt. No. 1) is **DENIED**.

Dated: September 15, 2011

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE